IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1223 of 2007()

CRIME NO.208/CR/KLM/2000 OF CBCID, ALAPPUZHA.

: PETITIONER/6TH ACCUSED

R.MURUGAIAH, S/O RAMAIAH,
HEAD CONSTABLE,HC 1031,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT, THAMILNADU.

BY ADV. SRI.ANIL THOMAS(T)
SMT.K.V.RESHMI

RESPONDENTS: COMPLAINANT/STATE

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1. THE DY.S.P., CBCID,
ALAPPUZHA.

2. THE STATE OF KERALA, REP: BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1223 OF 2007

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DATED THIS THE 1ST DAY OF MARCH, 2007

O R D E R

Petitioner who is the 6th accused in Crime No.208/CR/KLM/00 of CBCID, Alappuzha for an offence punishable under section 55(a) of the Abkari Act and sections 120B, 468 and 201 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 3.6.1999, 24000 litres of rectified spirit in two tanker lorries despatched from a distillery at Tamil Nadu to a distillery at Goa accompanied by the petitioner who is a Police Constable from Tamil Nadu were illegally diverted and unloaded in Thottakkad distillery at Aluva and that the petitioner had made forged entries in the passport to make it appear that the entire spirit had been unloaded at Goa.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer for interrogation and then seek regular bail from the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer, viz, the Dy.S.P., CBCID, Alappuzha on any day between 07.03.2007 and 09.03.2007 for the

purpose of interrogation. The petitioner shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn